



DEPARTMENT OF THE ARMY
OFFICE OF THE SECRETARY OF THE ARMY
OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION
106 ARMY PENTAGON
WASHINGTON DC 20310-0106

25 APR 2005

MEMORANDUM FOR MACOM COMMANDERS

SUBJECT: Policy Letter 03-05; Mandatory Procedure For Processing Small Business Administration (SBA) Appeals to the Agency Head

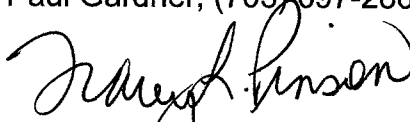
1. References:

- a. Federal Acquisition Regulation (FAR) 19.505
- b. Defense FAR Supplement (DFARS) 219.5.
- c. Army FAR Supplement (AFARS) 5119.505

2. The purpose of this memorandum is to provide instructions and guidance to insure compliance with the referenced regulations for processing appeals from the SBA.

3. Procedures. When notified by the SBA that it has filed an appeal with the Agency Head, either for a small business set-aside or the 8(a) program, the contracting officer shall prepare an appeal file. The file shall contain a statement by the contracting officer, which sets forth the decision rationale and addresses the appeal issues on a point-by-point basis. The statement shall include the rationale for disregarding known small business sources, small businesses identified through synopsis, and sources recommended by the Small Business Specialist and SBA. Discuss results of market research or attach a market research report. In addition to the contracting officer's statement, the file shall include the comments and/or concurrence of the Small Business Specialist, the MACOM Associate Director for Small Business, the completed DD Form 2579, SBA Form 70, any related correspondence, the procurement history, and a copy of the solicitation's evaluation and award factors. Include a statement that the action on the procurement has been suspended pending resolution of the appeal. Waivers to suspension of procurement action should be previously coordinated with the Director, SADBU. Forward the appeal file through contracting channels to arrive in DA SADBU within ten workdays after receipt of the formal appeal.

4. The POC for this action is Mr. Paul Gardner, (703) 697-2868.


Tracey L. Pinson
Director

SADBU

SUBJECT: Policy Letter 03-05; Implementing Instructions for Small Business
Administration (SBA) Appeals to the Agency Head

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